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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/706,667

11/06/2000

Arnold Karel Jansen Van Doorn

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03/18/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

PAYNE, DAVID C

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 03/18/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,667

Applicant(s)

JANSEN VAN DOORN, ARNOLD  
KAREL

Examiner

David C. Payne

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 24 January 2003 have been fully considered but they are not persuasive.

Regarding applicant's assertion that neither Chen nor McMullan alone or in combination teach a filter means coupled between the noise sources and the at least one optical transmitter, which filter means have a cut-off frequency, dependent on the noise frequency, wherein the cut-off frequency of the filter means lies in the range of 10 to 15 MHz, as recited in amended independent claim 1.

By way of an additional embodiment, Chen Figure 7 shows adaptive filters (734, 736 and 738) that are used to separate the transmitter (748) from the other noise sources (e.g., col. 9, lines 35-40).

McMullan uses filtering in a cable system to reject harmonic energy of the module transmitter (e.g., Col. 12, lines 48-52). McMullan has clearly chosen the filter in dependence of the noise in the CATV system as disclosed in the cited reference. Furthermore, the cutoff range of the McMullan filters (12 – 19MHz) clearly falls within the range of the applicant's filter cutoff range.

Therefore, the combined teachings of Chen and McMullan render the applicant's invention obvious.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations

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of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections

set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen

US005915205A (Chen) in view of McMullan Jr. et al. US005142690A (McMullan).

Re claim 1, 7

Communication system, comprising a network (Figure 2), one or more optical transmitters (202) and

potential noise sources (220), wherein in that the communication system comprises filter (Figure 3

(306) (310)) means coupled between the noise sources and the at least one optical transmitter, which

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filter means have a cut-off frequency, dependent on the noise frequency (e.g., col./line: 2/40-45, 5/1-15).

Chen does not disclose a communication system wherein the cut-off frequency of the filter means lines around 10 to 15 MHz. McMullan disclosed a filter means that operates in the 12-19 megahertz bandpass range (e.g., col./line: 12/48-55). It would have been obvious to one of ordinary skill in the art the time of invention to use a bandpass filter around the 12 to 19 MHz range in the Chen invention for the benefit of rejecting harmonic energy of the module transmitter as discussed by McMullan, (see col./line: 12/48-55).

Re claim 3

The modified system of Chen and McMullan disclosed a communication system wherein the filter means (Figure 5 - McMullan) are arranged as a high pass filter (516) and/or low pass filter (506).

Re claim 4

The modified system of Chen and McMullan disclosed a communication system wherein the filter means are arranged as adaptive filter means, such that if impulse noise arises it is being blocked from passing upstream through the communication system (see McMullan, col./line: 8/3-10).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen

US005915205A (Chen) and McMullan Jr. et al. US005142690A (McMullan) as applied to claim 4

above, and further in view of Izakson et al. US 4,207,543 (Izakson).

Re claim 5

The Chen and McMullan invention as taught does not disclose a communication system wherein the communication system comprises a threshold detector and a controllable switch having a control input coupled to the threshold detector. Izakson (Figure 4, e.g., col./line: 6/28-55) disclosed an amplitude detector (13) that detects the output of a threshold circuit (10). It would have been obvious to one of ordinary skill in the art at the time of invention to use a threshold detector in the Chen and McMullan invention for the benefit of detecting/adapting a signal detection in the presence of a changing noise environment

Re claim 6

Chen disclosed a communication system (Figure 4) wherein in the communication system comprises

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a summing device (430) for summing at least one filtered version of an impulse noise containing RF signal.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp

  
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